

Examiner's Amendment and Reasons of Allowance

The Status of Claims

Claims 6,8-31 are pending.

Claims 6,8-31 are allowed.

I. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with an attorney of record, Carolyn L. Greene on 9/29/08.

II. The application has been amended as follows:

In claim 6, line 2 on page 2 (amendment dated on 7/31/08):

The term “ -- derivative --” before the term “of” is replaced with the term “ compound”.

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In claims 22-24 , line 1 on pages 5-6 (amendment dated on 12/10/07):

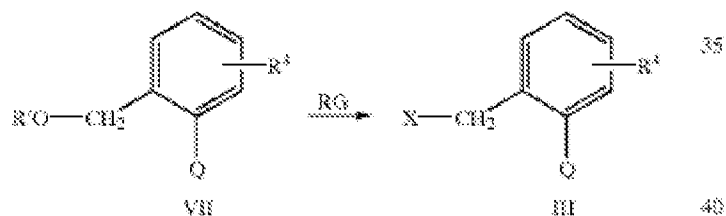
The phrase “ -- claim 16 --” before the term “ wherein ” is replaced with “
claim 21 ” .

III. The following is an examiner's statement of reasons for allowance:

- The rejection of Claims 6, and 12-24, 27-31 under 35 U.S.C. 103(a) as being unpatentable over Oberdorf et al (US 6,114,342).has been withdrawn due to the modification of the claims and applicants' convincing argument.

Oberdorf et al discloses the followings:

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R'=unsubstituted or substituted alkyl or unsubstituted or substituted aryl

No.	RG	X
III.1	BCl ₃	Cl
III.2	HBBr	Br

by means of cleavage with, for example, boron trichloride (for III.1) or hydrogen bromide (for III.2) in inert solvents such as halogenated hydrocarbons at from (-30) to 40° C. An advantageous synthesis from the corresponding compound VII where R'=2-tolyl (see EP-A 477 631, Table 1, No. 94) is described in Examples 1 to 3.

The preparation of the compounds III where Q is C(=NOCH₃)—COOCH₃ has been disclosed in EP-A 363 818.

The compounds VII can also be employed in the form of their salts, in particular as the hydrohalides (eg. hydrochloride or hydrobromide). If salts are used, it is expedient to carry out the reaction in the presence of a base (eg. alkaline earth metal or alkali metal alkoxides, or alkaline earth metal or alkali metal hydroxides, eg. sodium methoxide, sodium ethoxide, potassium tert-butoxide, sodium hydroxide, potassium hydroxide and calcium hydroxide).

However, the instant invention differs from the prior art in that the concentration of the catalyst, such as hydrogen chloride is unspecified; furthermore, the use of the claimed iron or indium catalyst is also unspecified for the prior art process.

Therefore, it would have been unobvious to the skilled artisan in the art to be motivated to arrive at the claimed invention from evidence of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the communication after allowance such as sending all post-allowance correspondence should be directed to " Box Issue Fee" or faxed directly to PUBS at 703-305-8755. This will expedite the process of these papers.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Taylor Victor Oh/

Primary Examiner, Art Unit 1625

9/29/08